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FloorPrep
Legislative Digest

Tuesday, July 11, 2000

*The House will meet at 9:00 a.m. for Morning Hour
and 10:00 a.m. for Legislative Business*

Anticipated Floor Action:

S. 1892—To Authorize the Acquisition of the Valles Caldera in the Jemez Mountains in New Mexico

H.R. 4579—Utah West Desert Land Exchange Act of 2000

H.R. 4063—Rosie the Riveter-World War II Home Front National Historic Park Establishment Act of 2000

H.Con.Res. 253—Expressing the Sense of the Congress Strongly Objecting to Any Effort to Expel the Holy See from the United Nations

H.R. 4528—International Academic Opportunity Act of 2000

H.Con.Res. 348—Expressing Condemnation of the Use of Children as Soldiers
H.R. 894—Aimee's Law

H.R. 4681—To Provide for the Adjustment of Status of Certain Syrian Nationals

H.R. 4391—Mobile Telecommunications Sourcing Act

H.R. 4461—FY 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act



H.R. 4658—Designating the U.S. Post Office in Fayetteville, North Carolina as the "J.L. Dawkins Post Office Building"

H.R. 4169—Designating the U.S. Post Office in Reno, Nevada as the "Barbara F. Vucanovich Post Office Building"

H.R. 3909—Designating the U.S. Post Office in Chicago, Illinois as the "Henry W. McGee Post Office Building"

H.R. 4447—Designating the U.S. Post Office in Baltimore Maryland as the "Samuel H. Lacy, Sr. Post Office Building"

Bills Under Suspension of the Rules

Floor Situation: The House will consider the following nine bills under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

S. 1892 allows the federal government to buy the Baca Ranch, a privately owned property consisting of 94,812 acres located in the natural feature called the Valles Caldera located in the Jemez Mountains. The ranch is presently owned by the Dunigan family and provides opportunities for hunting, camping, cross-country skiing, fishing and hiking. The ranch is being purchased for \$101 million, an amount that is somewhat controversial. A GAO report indicated that the government might be paying too much for the land (by more than \$37 million). The Committee on Resources, however, approved the bill on May 24, 2000 by voice vote. The bill was introduced by Senator Domenici on November 11, 1999 and it passed the Senate on April 13, 2000.

H.R. 4579 consolidates management of public lands in the western section of Utah that includes valuable desert wilderness and habitat for desert tortoises. Under the bill, the State of Utah and the federal government would swap approximately 106,000 acres that addresses the problem of checkerboard ownership of Utah's public lands. Congress first addressed this problem in 1998 when it passed the Utah Schools and Land Exchange Act which was the largest state-federal exchange of lands in the lower 48 states. This land exchange is supported by the U.S. Department of the Interior. Under the terms of the exchange Utah and the federal government each receive about 106,000 acres of land. It was argued that the state lands may be more valuable, thus additional state lands were set aside within the Washington County Conservation Plan area for additional critical habitat for the desert tortoise. The bill was introduced by Mr. Hansen on June 6, 2000 and was reported by the Resources Committee by voice vote on June 22, 2000.

H.R. 4063 authorizes the establishment of a World War II Home Front National Historical Park in Richmond, California site of numerous factories and shipyards including the famed Kaiser Shipyards that produced "Liberty ships" in just four days during the height of World War II. The population of Richmond mushroomed during this period attracting thousands of workers, especially minorities and working women who were symbolized by "Rosie the Riveter." Concern about the decaying condition of the remaining buildings and drydocks gave rise to efforts to save and restore these historic structures. The bill provides that the federal government will match local and private donations to create the park. The bill was introduced by Mr. Miller (CA) on March 22, 2000 and was reported by the Resources Committee by voice vote on June 20, 2000.

H.Con.Res. 253 commends the Holy See for its strong commitment to fundamental human rights during its 36 years as a Permanent Observer at the United Nations. The Congress expresses its strong objection to any effort to expel the Holy See from the U.N. as a state participant by removing its status as a nonmember Permanent Observer and believes that any lessening of the status accorded the Holy See at the U.N. undermines the credibility of the U.N. It also could seriously

damage relations between the U.N. and member countries that find the Holy See a moral and ethical force between the U.N. and member states in effectively pursuing humanitarian approaches to international problems. The resolution was introduced by Mr. Christopher Smith on February 16, 2000 and was not acted upon by a committee.

H.R. 4528 creates a new scholarship program to assist low-income students study overseas. The “Benjamin A. Gilman International Scholarships” provide up to \$5,000 to American students with limited finances to study abroad for a year. The bill was introduced by Mr. Gilman on May 24, 2000 and was reported by the International Relations Committee by voice vote on June 29, 2000. At press time a CBO cost estimate was not available.

H.Con Res. 348 condemns the use of child soldiers in many parts of the world and urges the United States to ratify a recent international treaty raising the minimum age of enlisted soldiers from 15 to 18 years of age. It is estimated that nearly 300,000 teenagers under 18 are serving as armed soldiers in various conflicts, some as young as ten years old in countries like Sierra Leone. Until recently, the United States, which has enlisted 17-year olds in conflicts such as Bosnia and the Gulf War, has remained neutral on raising the age limit. But recent negotiations on an international treaty in January of this year has allowed a treaty to proceed. It was opened for ratification on June 5, 2000. The resolution was introduced by Mr. John Lewis on June 7, 2000 and reported by the International Relations Committee by voice vote on June 29, 2000.

H.R. 894 uses federal grants to create a penalty and reward system by forcing states to pay for the conviction and incarceration of a repeat offender if he or she is convicted of a crime in another state. The bill provides that if a convicted rapist, murderer, or sexual offender one state, released early, and commits a subsequent crime in another state, the federal law enforcement assistance funds (federal grants) for the first state will be reduced and transferred to the state in which the subsequent offense is committed. H.R. 894 restricts the use of funds to pay for the cost of incarceration, prosecution, and apprehension of the criminal. Additionally, the measure mandates that the costs of incarceration will be equally divided among all states that offer early release to a repeat offender who has committed crimes in multiple states.

H.R. 894 contains a provision that if an offender has served 85 percent or more of his or her sentence in a truth-in-sentencing state with a higher than average typical sentence for the crime, then the interstate compensation provision will not take effect. The bill also includes a provision requiring the United States Attorney General to collect yearly data to report to Congress on the number of convictions for murder, rape, and any sex offenses in the United States where (1) the victim has not attained age 14 and the offender has attained age 18; and (2) there are second or subsequent convictions of the defendant for such a crime. Finally, the bill includes a section declaring the sense of Congress that any person convicted of murder, rape, or child molestation should face the death penalty or be imprisoned for life. At press time a CBO cost estimate was not available. H.R. 894 was introduced by Mr. Salmon on March 2, 1999 and was not considered by a committee.

H.R. 4681 directs the Attorney General to adjust the status of an alien who (1) is a Jewish national of Syria; (2) arrived in the United States after December 31, 1991, after being permitted by the Syrian Government to depart from Syria; and (3) is physically present in the United States at the time of filing a citizenship application (the spouse, child, or unmarried son or daughter of an alien

will also be eligible for adjustment of status). Also, someone who fits the prerequisites will be lawfully admitted for permanent residence if he/she (1) applies for adjustment of status no later than one year after the date of enactment or has applied for adjustment of status under the Immigration and Nationality Act before the date of enactment; (2) has been physically present in the United States for at least one year after being granted asylum; (3) is not firmly resettled in any foreign country; and (4) is admissible as an immigrant under the Immigration and Nationality Act (INA) at the time of examination for adjustment of such alien.

The total number of aliens whose status may be adjusted under this section may not exceed 2,000. The Attorney General will establish a record of the alien's admission for lawful permanent residence as of the date one year prior to the date of approval of the application. Also, the Attorney General will provide applicants for of adjustment of status the same right to, and procedures for, administrative review that are provided to applicants for adjustment of status under the INA. Whenever an alien is granted the status of having been lawfully admitted for permanent residence, the Secretary of State will not be required to reduce the number immigrant visas authorized to be issued under any provision of the INA. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this bill will not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible. H.R. 4681 was introduced by Mr. Lazio *et al.* on June 15, 2000 and was not considered by a committee.

H.R. 4391 addresses one of the more difficult issues in our new technological age and the ubiquitous use of cell phones—where is the primary place of taxation for mobile telecommunications services? The bill addresses this problem by setting forth rules for determining State and local government treatment of charges related to mobile telecommunications services. The bill establishes the phone customer's "place of primary use", either the user's home or office. Under the bill, telephone service cannot be taxed where the call is made or received or based on which jurisdiction it may pass through, which resolves the issue of exposing consumers to multiple taxing schemes. The bill also provides uniform definitions for electronic databases, for nationwide standard numeric jurisdictional codes, what constitutes charges for mobile telecommunications services, who is considered a "customer," and who is a "reseller" of telecommunications services. For the purpose of determining the place of primary use a "customer" is the person or entity that contracts with the home service provider for mobile telecommunications services, or if the end user of mobile telecommunications services is not the contracting party, the end user of the mobile telecommunications service is considered the customer. H.R. 4391 is not intended to interfere with the Internet Tax Freedom Act or the Telecommunications Act of 1996 or its implementation. It does not create any new taxes or remove existing taxes on telecommunications service. H.R. 4391 was introduced by Mr. Hyde *et al.* on May 4, 2000 and was reported by the Committee on the Judiciary by voice vote on May 24, 2000.

For additional information, see *Legislative Digest*, Vol. XXIX, #19, July 7, 2000.



Bills Considered Pursuant to a Rule

H.R. 4461—FY 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act

Floor Situation: The House is scheduled to resume consideration of H.R. 4461 on Tuesday, July 11, 2000. During the session of the House on Monday, July 10, a unanimous consent agreement was entered into for further consideration of H.R. 4461 in the Committee of the Whole pursuant to House Resolution 538. Under the order, no further amendments to H.R. 4461 shall be in order except *pro forma* amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate. The agreement makes in order only the following amendments previously printed in the *Congressional Record* which are debatable for ten (10) minutes each, the time to be equally divided and controlled by the proponent and an opponent: amendments numbered 9 (by Mr. Kucinich), 29 (by Mr. Crowley), 32 (by Mr. Allen), 37 (by Mr. Brown (OH)), 48, (by Mr. Sanford), 61 (by Mr. Payne), and 68 (by Mr. Burton). Each amendment may be offered only by the Member who had it printed in the *Record* or a designee. It shall be considered as read, not subject to amendment and not subject to a demand for a division of the House or the Committee of the Whole.

Messrs. DeFazio and Bass and Ms. Morella offered amendment (#39) which was debated on Monday, July 10, and will be the pending business when consideration of H.R. 4461 resumes. The amendment proposes to cap spending for the Wildlife Service's Animal and Plant Health Inspection Service at the administration's request of \$28.6 million. The amendment also prohibits federal expenditures for the killing of animals such as coyotes, mountain lions, and foxes when they threaten livestock. The amendment does allow the Wildlife Service to continue non-lethal livestock predator control while not inhibiting private or state funded predator control.

Under the unanimous consent agreement described above, the following amendments were made in order:

Messrs. Kucinich, Metcalf and Sanders amendment (#9) that would include H.R. 3377, The Genetically Engineered Food Right To Know Act, in the Agricultural appropriations bill. H.R. 3377 requires all genetically engineered food to have a "neutral label" that states the food product was genetically engineered. *Staff Contact: Auke Piersma, x5-5871*

Mr. Crowley amendment (#29) prohibiting the use of funds in this bill from being used to enforce federal restrictions on allowing Americans to travel abroad to purchase their prescription drugs. *Staff Contact: Kevin Casey 5-3965*

Mr. Allen amendment (#32) that prohibits any funds under the bill for the Food and Drug Administration (FDA) from being used to approve any application for a new drug submitted by an entity that does not first provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development including the amount of funds paid for by both federal and state funds. *Contact: x5-6116*

Mr. Brown (OH) amendment (#37) that adds a general provision to Title IX of the bill that prohib-

its the use of funds appropriated in the bill from being used to approve any application for a new drug submitted by an entity that does not agree to a quarterly disclosure (during the patent life of the drug) of the average price charged by the manufacturer for the most common dosage of the drug (expressed as total revenues divided by the total units sold) in each country that is a member of the OECD. **Contact: x5-3041**

Mr. Sanford amendment (#48) that eliminates payments to wool and mohair farmers for wool to make military uniforms. This year, there is \$10 million in the recently passed crop insurance bill for wool production payments. This amendment seeks to keep that \$10 million from being used for that purpose. **Staff Contact: Jim McGuire, x5-3176**

Mr. Burton amendment (#68) to add a new section to the end of the bill prohibiting any scientist, physician or other individual who is a member, or prospective member, of a federal advisory committee that has responsibilities regarding vaccines from being granted a waiver from the conflict-of-interest rules that apply to such service. **Staff Contact: Beth Clay, x5-5074**

Mr. Payne amendment (#61) that adds a new section to the end of the bill that instructs the Administrator of the U.S. Agency for International Development (AID) to take appropriate action to reform the Operation Lifeline Sudan (OLS) program so that humanitarian assistance operations under the program can function properly. **Contact: x5-3436**

Additional Information: See *Legislative Digest*, Vol. XXIX, #19, July 7, 2000



Bills Considered Under Suspension of the Rules

The following bills were not considered by a committee, but will be considered under suspension of the rules on Tuesday, July 11 following completion of the consideration of H.R. 4461, the FY 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

H.R. 4658—Designating the U.S. Post Office in Fayetteville, North Carolina as the “J.L. Dawkins Post Office Building”

H.R. 4169—Designating the U.S. Post Office in Reno, Nevada as the “Barbara F. Vucanovich Post Office Building”

H.R. 3909—Designating the U.S. Post Office in Chicago, Illinois as the “Henry W. McGee Post

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H.R. 4447—Designating the U.S. Post Office in Baltimore Maryland as the “Samuel H. Lacy, Sr. Post Office Building”



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